

RECEIVED
AUG 12 2003
TC 1700

Atty. Docket No. ADV12 P-300A

1761

CERTIFICATE OF MAILING

I hereby certify that this paper, together with all enclosures identified herein, are being deposited with the United States Postal Service as first class mail, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date indicated below.

August 5, 2003
Date

Susan P. Van Holstyn
Susan P. Van Holstyn

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1761
Examiner : Thuy Tran Lien
Applicant : Cheree L. B. Stevens et al.
Appln. No. : 09/778,470
Filing Date : February 7, 2001
Confirmation No. : 4695
For : WATER-DISPERSIBLE COATING COMPOSITION
FOR FRIED FOODS AND THE LIKE

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

We wish to make the United States Patent and Trademark Office aware of the fact that a third party, Cavendish Farms, has supplied us with information which they allege constitutes prior art to the above-identified patent application. If the information supported the allegations made, the prior art would be material, and we recognize that we would have an obligation to disclose that information to the United States Patent and Trademark Office.

However, the information in question was submitted to us pursuant to the terms of a Confidentiality Agreement between Advanced Food Technologies, Inc., owner of the above-identified application, and Cavendish Farms. We specifically asked Cavendish Farms for permission to disclose this information to the Patent and Trademark Office as follows:

In conclusion, we are not persuaded that any of the Cavendish evidence establishes prior art which would prevent the United States Patent and Trademark Office or any other Patent Office

Applicant : Cheree L. B. Stevens et al.
Appln. No. : 09/778,470
Page : 2

from granting the TenderKrunch™ patent application. We would like your confirmation that Cavendish will not regard submission of any of the evidence referred to herein as a violation of the Confidential Agreement which it entered into with Cavendish.

(May 27, 2003 letter to Mr. Frank Hughes, counsel for Cavendish Farms.)

In a response dated July 22, 2003 (copy attached), Cavendish indicated as follows:

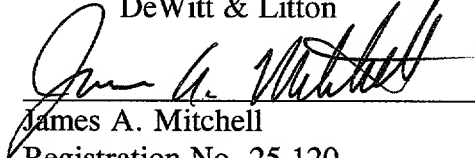
As for your proposal to file certain information and material with the USPTO, please be advised that Cavendish Farms has no present intention of releasing your client from its obligations of confidentiality. You will have to take your own counsel in balancing your obligations of candor to the USPTO, and your client's legal obligations to Cavendish Farms.

Since the information disclosed is non-public, confidential information, Applicant believes that it is not at liberty to disclose this information to the Patent and Trademark Office, since to do so would be to violate a Confidential Disclosure Agreement with Cavendish. We are strongly of the opinion, in any event, that the information does not establish prior art which would bar the issuance of this patent application.

Respectfully submitted,

CHEREE L. B. STEVENS ET AL.

By: Price, Heneveld, Cooper,
DeWitt & Litton


James A. Mitchell

Registration No. 25 120
695 Kenmoor, SE
Post Office Box 2567
Grand Rapids, MI 49501
(616) 949-9610

August 5, 2003

JAM/svh